IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.R.UDAYABHANU

WEDNESDAY, THE 10TH OCTOBER 2007 / 18TH ASWINA 1929

CRL.A.No. 630 of 2002()

CC.1341/2001 of JUDL. MAGISTRTE OF FIRST CLASS COURT-III, THRISSUR

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APPELLANT: COMPLAINANT

VARTHAKAKSHEMEM HIRE PURCHASE AND
LEASING COMPANY (P) LTD., ADAM BAZAR, THRISSUR,
REPRESENTED BY POWER OF ATTORNEY HOLDER,
SRI. K.JAGADEESH

BY ADV. SRI.JOSE K.KOCHUPAPPU

RESPONDENTS: ACCUSED /ATE

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1. SRI.S.R.RAJENDRAN, AGED 27 YEARS,
(PROP: R.K.EXPORTS), S/O.SANGARAMANGALATH RAMAN,
KOODAPUZHA DESOM, KIZHAKKE CHALAKUDY.

2. STATE OF KERALA, REPRESENTED BY
PUBLIC PROSECUTOR, HIGH COURT OF KERALA.

BY PUBLIC PROSECUTOR, SRI AMJAD ALI

THIS CRIMINAL APPEAL HAVING BEEN FINALLY HEARD ON 10/10/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

K.R.UDAYABHANU, J.

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Crl.A.No.630 of 2002(C)

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Dated this the 10th day of October, 2007

J U D G M E N T

The appellant is the complainant in C.C.No.1341/2001 in the file of the Judicial Magistrate of the First Class-III, Thrissur, with respect to the proceedings initiated under Section 138 of the Negotiable Instruments Act. The accused was acquitted under Section 256(i) of the Code of Criminal Procedure. It is submitted that the lapse was occasioned on account of wrong noting of the posting date.

In the circumstances, the order of acquittal is set aside. The court below is directed to permit the appellant/complainant to further pursue the matter and dispose of the case on merits. The appellant shall appear before the court below on 12/11/2007. The court below shall issue fresh summons to the accused.

The appeal is allowed.

K.R.UDAYABHANU,
Judge

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K.R.UDAYABHANU, J.

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Crl.A.No.630 of 2002(C)

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J U D G M E N T

10th October, 2007